REMARKS

In this Response to Notice of Non-Compliant Amendment, Applicants have moved both the marked-up version and clean version of the amended Abstract to a separate sheet.

Also, Applicant has amended the specification to correct minor typographical errors, and amended claims 1, 10, 12-14, 24, 32, 35-37, 47, 56, 58-60, 70, 79, and 81-83. No new matter has been introduced by these claims. Claims 1-92 are currently under examination.

In the Office Action, the Examiner rejected claims 1-8, 11, 17, 19, 22-31, 34, 40, 42, 45-54, 57, 63, 65, 68-77, 80, 86, 88, 91, and 92 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,774,554 to Gilham ("Gilham") in view of U.S. Patent No. 6,385,504 to Pintsov et al. ("Pintsov"); rejected claims 9, 10, 16, 18, 20, 21, 32, 33, 39, 41, 43, 44, 55, 56, 62, 64, 66, 67, 78, 79, 85, 87, 89, and 90 under 35 U.S.C. § 103(a) as being unpatentable over Gilham in view of Pintsov, and further in view of Official Notice; rejected claims 12, 35, 58, and 81 under 35 U.S.C. § 103(a) as being unpatentable over Gilham in view of Pintsov, and further in view of U.S. Patent No. 7,146,344 to Wankmueller. ("Wankmueller"); and rejected claims 13-15, 36-38,[1] 59-61, and 82-84 under 35 U.S.C. § 103(a) as being unpatentable over Gilham in view of Pintsov and Wankmueller, and further in view of Official Notice.

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[1] While claims 36-38 were not listed in the Examiner's rejections on page 11 of the Office Action, claims 36-38 stand rejected on page 12 of the Office Action.

Applicant respectfully traverses the Examiner's rejections and requests

reconsideration of the application and withdrawal of the rejections of claims 1-92 under

35 U.S.C. § 103(a) as being unpatentable over the cited references and Official Notice.

Section 103 Rejections

The Examiner has not properly resolved the *Graham* factual inquiries, the proper

resolution of which is the requirement for establishing a framework for an objective

obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*,

383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR*

International Co. v. Teleflex Inc., 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular,

the Examiner has not properly determined the scope and content of the prior art, at

least because the Examiner incorrectly interpreted the content of Wankmueller.

Wankmueller is directed to a system for conducting a financial transaction over a

payment network, including a micropayment system for allowing identification of the

transaction and allowing for automatic repudiation of a micropayment transaction.

(Abstract; Fig. 4; col. 5, line 53 - col. 6, line 34). Specifically, Wankmueller is directed to

a system that processes financial transactions using a payment card, such as credit and

debit cards. (Col. 1, lines 15-25). Thus, the scope and content of Wankmueller does

not go beyond processing such financial transactions. In the Office Action, the

Examiner references Wankmueller's disclosure of an "identifier of the specific

micropayment transaction" and alleges that Wankmueller's identifier and the claimed

verification data serve the same function, and therefore, Wankmueller teaches

"receiving a request for the verification data <u>included in the delivery payment coding</u>" as

recited in amended claim 1. (Office Action, page 11).

Applicant respectfully disagrees with the Examiner's allegation that Wankmueller teaches "receiving a request for the verification data included in the delivery payment coding" as recited in amended claim 1. Specifically, the "identifier of the specific micropayment transaction" does not teach or disclose "the verification data included in the delivery payment coding" as recited in claim 1. Claim 1 is directed to "a method for providing a verifiable delivery payment coding" that includes, *inter alia*, "receiving an item in an item delivery system, the item comprising the delivery payment coding including the verification data," and "receiving a request for the verification data included in the delivery payment coding." The verification data, as recited in claim 1, is "included in the delivery payment coding" of an item. As explained above, the scope and content of Wankmueller is limited to financial transactions for using payment cards, and therefore, an "identifier of the specific micropayment transaction" refers to an identifier for a financial transaction using a payment card, and does not disclose or teach "the verification data" as recited in claim 1. Accordingly, Wankmueller fails to teach or suggest "receiving a request for the verification data included in the delivery payment coding" as recited in amended claim 1.

Applicant also respectfully disagrees with the Examiner's allegation that Wankmueller's identifier servers the same function as the claimed verification data. Specifically, as disclosed in Wankmueller, once the system receives a repudiation request along with the identifier of the specific micropayment transaction, the system "processes the repudiation automatically . . . without any investigation or query into whether the transaction was validly executed." (Col. 6, lines 6-9.) On the other hand, the claimed verification data is used for "verifying the authenticity of the delivery

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payment coding." Therefore, because the Wankmueller's identifier is not used for "verifying the authenticity of the delivery payment coding," Wankmueller's identifier does not serve the same function as the claimed verification data as alleged by the Examiner.

Moreover, Wankmueller fails to teach or suggest any "verification data" that is included in "the delivery payment coding." As discussed, Wankmueller is directed to financial transactions for using payment cards and does not relate to providing a verifiable delivery payment coding.

In addition, as admitted by the Examiner, Gilham does not teach "receiving a request for the verification data included in the delivery payment coding." Further, the Examiner does not allege that Pintsov teaches "receiving a request for the verification data included in the delivery payment coding," nor does Pintsov teach this feature. Therefore, Gilham, Pintsov, and Wankmueller, taken alone or in combination, fail to disclose or suggest every claim element in claim 1, and the Examiner has failed to properly determine the scope and content of the prior art. For at least these reasons, independent claim 1 and claims 2-23 that depend therefrom are in condition for allowance.

Independent claims 24, 47, and 70, while having scopes different than claim 1, include similar recitations to claim 1. For example, claim 24 includes the recitations of "a component for receiving a request for the verification data included in the delivery payment coding." Similarly, claim 47 includes the recitations of "receiving a request for the verification data included in the delivery payment coding." Likewise, claim 70 includes the recitations of "a means for receiving a request for the verification data included in the delivery payment coding." Therefore, for at least the same reasons as

set forth with respect to claim 1, claims 24, 47, and 70, and claims 25-46, 48-69, and 71-92 that depend therefrom, respectively, are also in condition for allowance.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-92 under 35 U.S.C. § 103(a).

Conclusion

The Office Action makes statements characterizing the claims and the references. Applicant does not subscribe to any such characterizations, whether they are expressly mentioned in this response, or not.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2008   By:_____
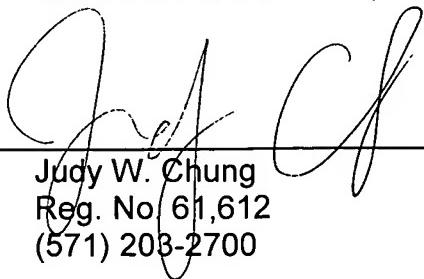
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Attachments: **Marked-Up Version of Abstract**
                     Clean Version of Abstract

PROVIDING A VERIFIABLE DELIVERY PAYMENT CODING

Abstract of the Disclosure

Providing a verifiable delivery payment coding comprises ~~providing~~ transmitting verification data configured to be included in a delivery payment coding. Next, providing the verifiable delivery payment coding comprises receiving an item in an item delivery system, the item comprising the delivery payment coding including the verification data. In addition, providing the verifiable delivery payment coding comprises verifying the authenticity of the delivery payment coding using the verification data included in the delivery payment coding.